



Georgia

HOUSE OF REPRESENTATIVES

Monday  
March 4,  
2019

# DAILY REPORT

26th  
Legislative  
Day

House Budget & Research Office  
(404) 656-5050

- The House will reconvene for its 27th Legislative Day on Tuesday, March 5 at 10:00 a.m.
- The Rules Committee will meet at 9:00 a.m.
- 10 bills / resolutions are expected to be debated on the floor.

## Today on the Floor

### Rules Calendar

**HB 76** **Alcoholic beverages; counties and municipalities may regulate alcohol licenses as to certain distances in a manner that is less but not more restrictive than those distances specified by the state; provisions**

Bill Summary: HB 76, regarding licensees for the retail sale of alcoholic beverages for consumption off premises, allows for local counties and municipalities to ease the distance restrictions of said retail businesses to all buildings, campuses, and grounds of a college.

**Authored By:** Rep. Ron Stephens (164th)  
**House Committee:** Regulated Industries

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-26-2019 Do Pass by Committee Substitute

**Floor Vote:** Yeas: 129 Nays: 34

**Amendments:**

**HB 132** **Income tax; permit affiliated entities to apply certain transferable tax credits against payroll withholding**

Bill Summary: House Bill 132 allows for the recipient of a transferred film tax credit or post-production tax credit to use the credit against payroll tax withholdings.

**Authored By:** Rep. Bruce Williamson (115th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-27-2019 Do Pass

**Floor Vote:** Yeas: 165 Nays: 4

**Amendments:**

**HB 182** **Sales and use tax; lower threshold amount for certain dealers**

Bill Summary: House Bill 182 amends O.C.G.A. 48-8, relating to sales and use tax, by revising the definition of "dealer" to lower the established economic nexus within the state from \$250,000 to \$100,000 in annual revenue. The bill also repeals the reporting requirements for out-of-state retailers.

**Authored By:** Rep. Brett Harrell (106th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-14-2019 Do Pass

**Floor Vote:** Yeas: 158 Nays: 3

**Amendments:**

**HB 201** **Board of Natural Resources; promulgate rules and regulations regarding anchoring certain vessels within estuarine areas; authorize**

Bill Summary: HB 201 prohibits live-aboard vessels from discharging sewage into estuarine areas of the state. Individuals operating or floating live-aboard vessels with marine toilets must create and maintain records for at least one year containing the names and locations of pump-out facilities used. Pump-out facilities are to create and maintain records for at least one year that indicate the name and vessel registration number, date of pump-out, and verification of pump-out.

The bill gives the Department of Natural Resources the authority to adopt rules and regulations relating to overnight or long-term anchoring, as well as to establish anchorage areas within estuarine areas of the state.

**Authored By:** Rep. Don Hogan (179th)  
**House Committee:** Natural Resources & Environment  
**Floor Vote:** Yeas: 162 Nays: 1

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-28-2019 Do Pass by Committee Substitute  
**Amendments:**

**HB 212 Banking and finance; retail brokers of manufactured homes or mobile homes and residential contractors from the requirement to obtain a license as a mortgage loan originator, broker, or lender under certain circumstances; exempt**

Bill Summary: HB 212 amends the definition of "mortgage broker" for the purposes of licensing mortgage lenders and brokers to exclude any retailer or retail broker of a manufactured or mobile home or a residential industrialized building, so long as: (1) their residential mortgage loan activities are limited to facilitating the exchange of documents between applicants and lenders, and (2) they do not receive compensation for assisting applicants in applying for or obtaining financing.

**Authored By:** Rep. Clay Pirkle (155th)  
**House Committee:** Banks & Banking  
**Floor Vote:** Yeas: 170 Nays: 1

**Rule Applied:** Modified-Open  
**Committee Action:** 02-27-2019 Do Pass by Committee Substitute  
**Amendments:**

**HB 224 Income tax; credit for new purchases and acquisitions of qualified investment property shall be earnable for mining and mining facilities and allowed against a taxpayer's payroll withholding; provide**

Bill Summary: House Bill 224 amends the investment tax credit, job tax credit, and quality jobs tax credit.

The investment tax credit is amended by increasing the minimum investment from \$50,000 to \$100,000 for all tiers. For Tier One and Tier Two counties, credits earned on or after January 1, 2020 must first be applied to at least 50 percent of the taxpayer's state income tax liability before up to \$1,000,000 per year of excess credits may be taken as a credit against payroll withholdings. Unused credits claimed prior to January 1, 2019 shall be treated the same as new credits and allowed to be used against withholdings if, in Tier One counties, the taxpayer maintains at least 100 jobs in rural counties and purchases or acquires at least \$5,000,000 of qualified investment property in rural counties and, in Tier Two counties, the taxpayer maintains at least 100 jobs in rural counties and purchases or acquires at least \$10,000,000 of qualified investment property in rural counties. Rural counties are defined as a counties having a population of 50,000 or less and 10 percent or more of the population living in poverty. A statewide annual cap of \$20,000,000 in aggregate for all taxpayers in the state is established for credits being used against payroll withholdings.

The bill also amends the job tax credit by revising the wage required to earn job tax credits. For counties designated as one of the first through fortieth least-developed counties in the state that have a population of less than 50,000 and a poverty rate of greater than 10 percent, the target wage is equal to 70 percent of the average wage earned in the county with the lowest average wage earned in this state. For Tier Two counties or Tier One counties that are not one of the first through fortieth least-developed counties in this state with a population of less than 50,000 and a poverty rate of greater than 10 percent, the target wage is equal to 90 percent of the average wage earned in the county with the lowest average wage earned in this state. The target wage for all other counties remains the average wage earned in the county with the lowest average wage earned in this state. The bill also provides an additional credit of \$500 for each qualified new job created in a Tier One or Tier Two county with a population of less than 50,000 and a poverty rate of greater than 10 percent.

The job creation threshold for the quality jobs tax credit is also revised. For counties designated as Tier One by the commissioner of the Department of Community Affairs with a population of less than 50,000 and a poverty rate of greater than 10 percent, at least five new quality jobs must be created within one year. Counties designated as Tier Two by the commissioner of the Department of Community Affairs, with a population of less than 50,000 and a poverty rate of greater than 10

percent, must create at least 10 new quality jobs within one year. For all other counties in the state, the threshold remains 50 new quality jobs within two years.

**Authored By:** Rep. Bruce Williamson (115th)

**House Committee:** Ways & Means

**Floor Vote:** Yeas: 160 Nays: 2

**Rule Applied:** Structured

**Committee Action:** 03-01-2019 Do Pass by Committee Substitute

**Amendments:**

### **HB 233 Pharmacy Anti-Steering and Transparency Act; enact**

**Bill Summary:** House Bill 233 enacts the 'Pharmacy Anti-Steering and Transparency Act.' This act restricts a pharmacy licensed in or holding a non-resident pharmacy permit in Georgia from transferring or sharing records relative to prescription information containing patient and prescriber identifiable data to or from an affiliate for any commercial purpose.

House Bill 233 further restricts these pharmacies from presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate. Additionally, pharmacies will be restricted from mailing a prescription to a patient when the patient's prescriber has indicated that the patient needs an in-person consultation at the time the original or refill prescription is dispensed. A patient may voluntarily waive the in-person consultation and elect to receive the medication via mail order.

House Bill 233 should not be construed to prohibit a pharmacy from entering into an agreement with an affiliate to provide pharmacy care to patients, provided that the pharmacy does not receive referrals in violation of subsection (d) of Code Section 26-4-119 and the pharmacy provides the disclosures required. Violations of Code Section 26-4-119 by a pharmacy will be grounds for disciplinary action by the board pursuant to its authority granted in this chapter. Additionally, pharmacies will be required to annually file with the Board of Pharmacy a disclosure statement identifying all affiliates.

**Authored By:** Rep. David Knight (130th)

**House Committee:** Health & Human Services

**Floor Vote:** Yeas: 170 Nays: 0

**Rule Applied:** Modified-Structured

**Committee Action:** 02-26-2019 Do Pass by Committee Substitute

**Amendments:**

### **HB 234 Anti-Human Trafficking Protective Response Act; enact**

**Bill Summary:** HB 234 is the 'Anti-Human Trafficking Protective Response Act'. The bill authorizes the Division of Family and Children Services (DFCS) to provide emergency care and supervision of any child who is the victim of human trafficking for labor or sexual servitude without a court order or the consent of the parents or legal guardian. Moreover, HB 234 directs DFCS and law enforcement to take the child to an available victim services organization, which is certified by the Criminal Justice Coordinating Council, to provide comprehensive trauma-informed services. HB 234 limits the prosecution of prostitution to individuals who are 18 years of age or older. In addition, the occurrence of either of the following shall be prima-facie evidence of the existence of a nuisance when: the owner or operator of any building for any sexually-related charges based on conduct in or on the premises of such buildings; or when the prosecuting attorney of the county in which the building is located notifies the owner in writing that three or more separate sexually-related charges or indictments have occurred on the premises within a 12-month period. The bill provides a defense to nuisance claims if the owner or operator aids law enforcement in the investigation of criminal sexual-related conduct.

**Authored By:** Rep. Chuck Efstoration (104th)

**House Committee:** Juvenile Justice

**Floor Vote:** Yeas: 167 Nays: 0

**Rule Applied:** Modified-Structured

**Committee Action:** 02-20-2019 Do Pass by Committee Substitute

**Amendments:**

### **HB 242 Professions and businesses; regulation of massage therapy educational programs; provide**

**Bill Summary:** HB 242 establishes board certification of massage therapy educational programs, both within and outside the state, which meet the standards for training and curriculum set by the rules of the Georgia Board of Massage Therapy. The bill allows the board to request on-site inspections of massage therapy businesses and requires said businesses to continuously maintain liability insurance coverage for bodily injuries and property damages. Further, massage therapy

businesses must comply with appropriate advertising. The bill increases fines for non-compliance and unlawful acts. HB 242 also provides rules and limitations for local jurisdictions in regulating massage therapy businesses.

**Authored By:** Rep. Lee Hawkins (27th)  
**House Committee:** Regulated Industries  
**Floor Vote:** Yeas: 156 Nays: 13

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-26-2019 Do Pass by Committee Substitute  
**Amendments:**

**HB 257 Council of Magistrate Court Judges; organization and provide for officers; increase authority**

**Bill Summary:** The organizational governing structure of the Council of Magistrate Court Judges is removed. Provisions related to the assumption of and removal from office, along with the expiration of terms for magistrates that are dated before 1985 are eliminated. The chief magistrate is still elected to a four-year term and all other magistrates are still appointed by the chief judge upon a majority vote by the judges of the superior court. The bond for faithful performance of duties is increased from \$25,000 to \$100,000. The qualifications for magistrates are amended. The county residency requirement preceding the beginning of their term is increased from one to two years, and magistrates must: remain a resident of the county they serve during their term of office; be a citizen of the United States; be registered to vote; and have a high school or general educational development diploma. Lastly, the provisions related to justices of the peace, which have been superseded by the magistrate Code section since 1983, have been removed.

**Authored By:** Rep. Mitchell Scoggins (14th)  
**House Committee:** Judiciary  
**Floor Vote:** Yeas: 158 Nays: 11

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-22-2019 Do Pass  
**Amendments:**

**HB 266 Revenue and taxation; income for contributions to savings trust accounts; revise deduction**

**Bill Summary:** House Bill 266 amends 48-7-27, relating to the Georgia Higher Education Savings Plan, by increasing the limit for single filers to \$4,000 per year and for joint filers to \$8,000 per year.

**Authored By:** Rep. Marcus Wiedower (119th)  
**House Committee:** Ways & Means  
**Floor Vote:** Yeas: 95 Nays: 64

**Rule Applied:** Structured  
**Committee Action:** 02-27-2019 Do Pass  
**Amendments:**

**HB 276 Sales and use tax; certain persons that facilitate certain retail sales; require collection of tax**

**Bill Summary:** House Bill 276 amends O.C.G.A. 48-8-2, relating to definitions regarding sales and use tax, by adding the terms "marketplace facilitator" and "marketplace seller" as well as expanding the definition of "dealer" to require marketplace facilitators to collect and remit sales tax on behalf of marketplace sellers.

A "marketplace facilitator" is a person that contracts with a marketplace seller to make available or facilitate taxable retail sales on the marketplace seller's behalf. This includes promoting, marketing, advertising, taking orders or reservations for, providing the physical or electronic infrastructure that brings purchasers and marketplace sellers together for, or otherwise assisting the marketplace seller in making retail sales and collecting, charging, processing, or otherwise facilitating payment for the retail sales on behalf of the marketplace seller.

A "marketplace seller" is a person that conducts retail sales through or facilitated by any physical or electronic marketplace or platform operated by a marketplace facilitator.

The definition of "dealer" is expanded to include marketplace facilitators who facilitate taxable sales to be delivered, held for pickup, used, consumed, distributed, stored for use or consumption, or rendered as a service in Georgia if the total value of all sales, including sales from marketplace sellers and the marketplace facilitator itself, exceeds \$100,000 in the previous or current calendar year.

**Authored By:** Rep. Brett Harrell (106th)  
**House Committee:** Ways & Means  
**Floor Vote:** Yeas: 158 Nays: 6

**Rule Applied:** Structured  
**Committee Action:** 03-01-2019 Do Pass by Committee Substitute  
**Amendments:**

**HB 296 Superior Court of Hall County in the Northeastern Circuit; revise term of court**

Bill Summary: House Bill 296 revises the terms of Hall County Superior Court in the Northeastern Circuit to be the second Monday in January, April, July, and first Monday in October, rather than the first Monday in May and November and the second Monday in January and July.

**Authored By:** Rep. Lee Hawkins (27th)  
**House Committee:** Judiciary

**Rule Applied:** Modified-Structured  
**Committee Action:** 03-01-2019 Do Pass by Committee Substitute

**Floor Vote:** Yeas: Nays:  
**Floor Action:** Recommit to Rules

**Amendments:**

**HB 300 Health; redesignate continuing care retirement communities as life plan communities**

Bill Summary: HB 300 changes the name of "continuing care retirement community" to "life plan community."

**Authored By:** Rep. Vance Smith (133rd)  
**House Committee:** Human Relations & Aging

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-25-2019 Do Pass by Committee Substitute

**Floor Vote:** Yeas: 167 Nays: 1

**Amendments:**

**HB 323 Insurance; administration of claims by pharmacy benefit managers; revise provisions**

Bill Summary: House Bill 323 amends Title 33, relating to regulation and licensure of pharmacy benefit managers. Code Section 33-64-10 is amended by requiring that any rebate received by the pharmacy benefit manager will not apply against the patient's cost of medication and will not increase the dispensing pharmacy or other dispenser practice's cost of participation.

Additionally, House Bill 323 adds several new prohibitions for pharmacy benefit managers (PBMs). PBMs are prohibited from:

1. Entering into a contract in which a pharmacy or dispenser practice can be held responsible for a fee, penalty, offset or recoupment;
2. Referring an insured for the provision of pharmacy care services to an affiliated pharmacy;
3. Transferring or sharing records relative to prescription information containing patient or prescriber identifiable data to an affiliated pharmacy for any commercial or marketing purpose;
4. Making any statement or misrepresentation to an insured, pharmacist, pharmacy, dispenser, or dispenser practice which is false or misleading;
5. Conditioning payment, reimbursement, or network access that requires an accreditation, certification, credentialing standard, or insurance or surety bond requirement on a pharmacist, pharmacy, or dispenser or dispenser practice beyond those required by the State of Board of Pharmacy;
6. Restricting an insured person from utilizing any in-network pharmacy or dispenser practice for any patient-covered prescription medication;
7. Implementing any medication management, prior approval, or repeat approval program that alters or denies access to ongoing therapy.

**Authored By:** Rep. David Knight (130th)  
**House Committee:** Insurance

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-27-2019 Do Pass by Committee Substitute

**Floor Vote:** Yeas: 170 Nays: 0

**Amendments:**

**HB 344 Sales and use tax; mission to advance arts shall not be required to be an organization's primary mission in order to obtain an exemption for certain sales of tickets for admission to fine arts performances; provide**

Bill Summary: House Bill 344 amends O.C.G.A. 48-5-41, relating to property exempt from ad valorem taxation, by adding an exemption for all real property owned by a charity if the property is held exclusively for the purpose of building or repairing single-family homes to be financed by the charity to individuals using interest free loans. If the property is not used for the purpose of building or repairing single-family homes to be financed by the charity to individuals using interest free loans, then the full amount of ad valorem taxes exempted shall be due and payable.

**Authored By:** Rep. Matthew Gambill (15th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 03-01-2019 Do Pass by Committee Substitute

**Floor Vote:** Yeas: 164 Nays: 1

**Amendments:**

**HB 352 Sales and use tax; exemption for competitive projects of regional significance; change sunset provision**

Bill Summary: House Bill 352 amends 48-8-3, relating to exemptions from sales and use tax, by extending the sunset date on the sales tax exemption for tangible personal property used for and in the construction of a competitive project of regional significance from June 30, 2019 to June 30, 2024.

**Authored By:** Rep. Albert Reeves (34th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-27-2019 Do Pass

**Floor Vote:** Yeas: 161 Nays: 10

**Amendments:**

**HB 374 Health; administer medications to residents under hospice care pursuant to a physician's written orders; authorize certified medication aides**

Bill Summary: HB 374 allows for liquid morphine to be administered to hospice patients by a medication aide. The initial dose must be administered by a licensed hospice health care professional to observe any adverse reactions, and then the medication aide must observe and document the patient's need for liquid morphine thereafter. The assisted living community is responsible for training the medication aide. The bill sets an on-site limit of 50 milliliters of liquid morphine per hospice patient.

**Authored By:** Rep. John LaHood (175th)  
**House Committee:** Human Relations & Aging

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-25-2019 Do Pass by Committee Substitute

**Floor Vote:** Yeas: 165 Nays: 0

**Amendments:**

**HB 419 Revenue and taxation; Internal Revenue Code and Internal Revenue Code of 1986; define terms and incorporate certain provisions of federal law into Georgia law**

Bill Summary: House Bill 419 provides the annual Internal Revenue Code update to 48-1-2 and amends 48-7-53, relating to partnerships, by clarifying that the decision to pay tax at the entity level is irrevocable and requiring the partnership to notify the partners of adjustments even if the decision to pay at the entity level was made. The bill also states that if income is fraudulently underreported, the commissioner shall treat income attributable to a Georgia resident tiered partner as being allocated to Georgia to the extent that the partners of such partnership are Georgia residents. The bill also adjusts the tax rate to match that of the corporate tax rate established in 48-7-21.

**Authored By:** Rep. David Knight (130th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-27-2019 Do Pass

**Floor Vote:** Yeas: 171 Nays: 0

**Amendments:**

**SB 52 Code Revision Commission; statutory portion of said Code; revise, modernize, correct errors or omissions in and reenact**

Bill Summary: Senate Bill 52 is the annual Code Revision clean-up bill. It amends the Official Code of Georgia Annotated to revise, modernize, and correct errors or omissions. The bill reflects the work of the Code Revision Commission to repeal portions of the Code which have become obsolete, unconstitutional, or preempted or superseded by subsequent laws. Lastly, the bill provides for other matters relating to revision, reenactment, and publication of the Code.

**Authored By:** Sen. William Ligon, Jr. (3rd)  
**House Committee:** Code Revision

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-22-2019 Do Pass

**Floor Vote:** Yeas: 148 Nays: 0

**Amendments:**

## Postponed Until Next Legislative Day

### **HB 426 Criminal procedure; imposition of punishment for crimes involving bias or prejudice; revise criteria**

Bill Summary: HB 426 enhances the penalty imposed on a defendant if the court finds beyond a reasonable doubt that the victim of the crime was chosen due to race, color, religion, national origin, sexual orientation, gender, mental disability, or physical disability. If the defendant is convicted of a misdemeanor, the sentence is increased by not less than three nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a misdemeanor of high and aggravated nature, the sentence is increased by not less than six nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a felony, the sentence is increased by not less than two years of imprisonment. Moreover, the judge must state how much of the sentence is based on this Code section the sentence is imposed.

**Authored By:** Rep. Chuck Efstration (104th)

**Rule Applied:** Structured

## **Next on the Floor from the Committee on Rules**

*The Committee on Rules has fixed the calendar for the 27th Legislative Day, Tuesday, March 5, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Tuesday, March 5, at 9:00 a.m., to set the Rules Calendar for the 28th Legislative Day.*

### **HB 227 Insurance; discrimination against victims of family violence to include victims of sexual assault; expand prohibitions**

**Bill Summary:** House Bill 227 amends Title 33, relating to enumeration of unfair methods of competition and unfair or deceptive acts or practices regarding insurance, by including victims of sexual assault to the prohibitions on discrimination against victims of family violence.

**Authored By:** Rep. Spencer Frye (118th)  
**House Committee:** Insurance

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-27-2019 Do Pass by Committee Substitute

### **HB 239 Georgia Business Court; establish**

**Bill Summary:** This bill provides the general legislation for the statewide business court as approved by the constitutional referendum in 2018. The terms of court are the same as the Georgia Supreme Court. Except as otherwise provided under the Georgia Constitution, pretrial proceedings shall be held in Atlanta, the main office, or at the court's sole discretion, via teleconference; all trials shall be held in the county as determined according to traditional venue rules, unless otherwise agreed to by the parties. A judge shall appoint another court judge if there must be a recusal, and if one is not available, the Georgia Supreme Court shall order a sitting judge of the Court of Appeals, superior, or state court to sit by designation in that case.

The court shall not have jurisdiction over cases involving physical or emotional injury, residential landlord and tenant disputes, or foreclosures, but it will have jurisdiction over equity cases, regardless of the amount in controversy, related to: corporations; small business entities; internal affairs of businesses; sale of goods under the uniform commercial Code; securities; arbitration; licensing of any intellectual property right arising from e-commerce agreements involving commercial real property; and where the state and federal courts have concurrent jurisdiction. When damages are the only relief requested, the amount in controversy must be at least \$250,000 unless the dispute is only for damages related to commercial real property, and then the amount in controversy must exceed \$1 million.

Cases may come before the court by: (1) a party filing in the court to initiate a civil action that has not already been filed in superior court or state court; (2) a party to an action already in state or superior court who files a transfer to the court within 60 days of all parties being served, or the case becomes transferable and filed within those 60 days and the judge finds the case within the court's authority and orders the transfer; or (3) all parties to an action already in a state or superior court agree to remove to the business court and file that agreement within 60 days of commencing the action in state or superior court. The filing fee is \$5,000 to be paid by the party or parties seeking initiation or transfer, or by all parties pro rata where removed by agreement. Upon proof of such transfer or removal the state court or superior court shall certify the transfer or removal.

The court shall initially consist of one judge, one clerk, and one division which shall be appointed and confirmed by December 31, 2019. It will commence operations on January 1, 2020 and begin accepting cases on August 1, 2020; however, the General Assembly may create additional judges, clerks, or divisions based on caseload and need. To qualify as a court judge, the appointee must be for the past seven years a: Georgia resident, U.S. citizen, and admitted to the practice of law in Georgia with at least 15 years of legal experience in complex litigation, preferably in business. Court judges and clerks are appointed by the governor, subject to majority approval of the House and Senate Judiciary committees, serve a five-year term, and may be reappointed at the end of their term so long as the judge remains qualified. An oath of office for the judge is provided. The salary for the judge is \$174,500 and the judge sets the clerk's salary subject to appropriation by the General Assembly. The judge may be reimbursed like other state employees, including expenses for travel, if the judge resides 50 miles or more from the main office in Atlanta. Subject to Georgia Supreme Court approval, the judge of the court is empowered to create rules governing the business court, and to that end may empanel a commission of up to eight volunteer individuals to assist. The judge may appoint and remove law assistants, who are either admitted or in the process of being admitted to the bar. The court may also



purchase supplies, publications, and employ other staff as needed, and the clerk will pay them based on appropriations by the General Assembly. Appeals shall be made to the Court of Appeals, unless otherwise taken by the Supreme Court. The court is also authorized to grant relief by declaratory judgment. Proceedings shall be filed in the court as other proceedings are filed in superior court, and similarly trial shall not commence earlier than 20 days after services unless otherwise agreed to by the parties. Also, like superior court, the court has contempt authority.

**Authored By:** Rep. Chuck Efstoration (104th)  
**House Committee:** Judiciary

**Rule Applied:** Modified-Open  
**Committee Action:** 02-26-2019 Do Pass by Committee Substitute

#### **HB 253 Professions and businesses; occupational therapists; update and revise various provisions**

**Bill Summary:** HB 253 updates and revises the Code regarding occupational therapists. The bill allows licensed occupational therapists to provide therapeutic services through telecommunication and e-health services. In addition, authorized agents of the State Board of Occupation Therapy are granted the authority to enter and make reasonable inspections of any place where occupational therapy is practiced. In order for a foreign-trained occupational therapist to practice in Georgia, that therapist must complete an academic program approved by the World Federation of Occupational Therapists or other credentialing entity recognized by the board.

**Authored By:** Rep. Lee Hawkins (27th)  
**House Committee:** Regulated Industries

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-26-2019 Do Pass by Committee Substitute

#### **HB 314 Georgia Uniform Certificate of Title for Vessels Act; enact**

**Bill Summary:** House Bill 314, the 'Georgia Uniform Certificate of Title for Vessels Act,' requires that every vessel using the waters of this state be titled unless it is exempt from being required to be numbered. All outboard motors greater than 25 horsepower must be included on the vessel title. If an owner transfers ownership of a damaged hull vessel that is covered by a certificate of number, the owner must submit an application to the Department of Natural Resources (DNR) for a new certificate of number including the title brand designation "damaged hull" or indicate on the certificate of title or bill of sale that the vessel is hull-damaged. The bill requires DNR to maintain electronic records of titles and provide a physical certificate of title to the owner or lienholder upon request.

**Authored By:** Rep. Ron Stephens (164th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-27-2019 Do Pass by Committee Substitute

#### **HB 365 Alternative ad valorem tax; motor vehicles; lower tax rate imposed**

**Bill Summary:** House Bill 365 amends 48-5C-1, relating to alternative ad valorem taxes on motor vehicles, by amending the definition of fair market value as it relates to used motor vehicles and kit cars, lowers the tax rate from 7 percent to 6.6 percent for July 1, 2019 through July 1, 2023, and extends the range for model year vehicles receiving a reduced rate of 0.5 percent from 1963 to 1985 model years to 1963 to 1989 model years.

The definition of fair market value of a new and used vehicle is amended to equal the retail selling price of the vehicle less any reduction for a trade-in when purchased from a new or used car dealer and the fair market value for kit cars is amended to equal the retail selling price of the kit.

**Authored By:** Rep. Shaw Blackmon (146th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-27-2019 Do Pass by Committee Substitute

#### **HB 367 Corporate Governance Annual Disclosure Act; enact**

**Bill Summary:** House Bill 367 establishes the 'Corporate Governance Annual Disclosure Act.' This act requires that an insurer, or the insurance group of which the insurer is a member, submit a corporate governance annual disclosure no later than June 1 of each calendar year to the commissioner of the Department of Insurance.

**Authored By:** Rep. Darlene Taylor (173rd)  
**House Committee:** Insurance

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-27-2019 Do Pass

**HB 368 Insurance; division of a domestic insurer into two or more resulting domestic insurers; provide**  
Bill Summary: House Bill 368 provides that any domestic insurer may divide into two more resulting insurers pursuant to a plan of division. Additionally, a dividing insurer may amend a plan of division in accordance with any procedures set forth in the plan in any manner determined by the board of directors of the dividing insurer. A dividing insurer will not file a plan of division with the Commissioner of Insurance unless such plan has been approved. A division does not become effective until it is approved by the Commissioner after reasonable notice and a public hearing.

House Bill 368 requires that after a division has been adopted and approved, an officer or authorized representative of the dividing insurer will sign a certificate of division. When a division becomes effective, a resulting insurer will be responsible for certain policies and their liabilities. Additionally, a shareholder of a dividing insurer will be entitled to appraisal rights and to obtain payment of the fair value of that shareholder's shares.

House Bill 368 further amends Code Section 33-14-42, by permitting the Commissioner's office to formulate a domestic insurance company that is established for the sole purpose of merging or consolidating with an existing domestic insurer simultaneously with a division.

**Authored By:** Rep. Darlene Taylor (173rd)  
**House Committee:** Insurance

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-27-2019 Do Pass by Committee Substitute

**HB 456 Local government; elect an annual report in lieu of a biennial audit; increase expenditure amount**  
Bill Summary: HB 456 increases the threshold for when a local government entity with a population of less than 1,500 can choose to do an annual report instead of a biennial audit from less than \$300,000 in fiscal year expenditures to less than \$550,000.

**Authored By:** Rep. Jan Tankersley (160th)  
**House Committee:** Budget and Fiscal Affairs Oversight

**Rule Applied:** Modified-Open  
**Committee Action:** 02-27-2019 Do Pass

**HB 491 Insurance; regulation of insurance company holding systems; update**  
Bill Summary: House Bill 491 updates the regulations of insurance company holding systems. The commissioner of Insurance is authorized to act as the group-wide supervisor for any internationally active insurance group or may acknowledge another group-wide supervisor pursuant to Code Section 33-13-7.1.

**Authored By:** Rep. Darlene Taylor (173rd)  
**House Committee:** Insurance

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-27-2019 Do Pass

# Committee Actions

*Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.*

## Banks & Banking Committee

### **HB 490 Banking and finance; payment of large deposits of deceased intestate depositors and the deposit of sums held for deceased intestate residents; make changes**

Bill Summary: HB 490 amends the Code to change deposits relating to deceased depositors. When a person dies without a will and has no more than \$15,000 deposited in a banking institution where deposits are federally insured, then the banking institution must receive an affidavit to be authorized to pay the proceeds of the deposit account directly to the surviving spouse. If there is no surviving spouse, then proceeds are authorized to go to the children pro rata; if there are no children or a surviving spouse, the proceeds go to the parents pro rata; or if none of the above exist, the proceeds go to the siblings of the decedent pro rata.

A form affidavit is provided. The affidavit must state that the individuals qualify as the proper relations to the decedent, there is no will, and no other known individual is making a claim to such deposit. If no application is made for the deposit within 45 days of the death of the intestate depositor, the banking institution has authorization to apply no more than \$15,000 of the deposit to the funeral service and expenses associated with the illness which resulted in the patient's death. The banking institution must receive an itemized statement of those expenses and the affidavit of the provider of those services to verify whether they are true, correct, and have not been paid.

The bill provides that these payments will operate as a complete discharge of the banking institution from liability of any suit or claim by any heir, distributee, creditor of the decedent, or any other person. The banking institution may rely on the properly executed affidavit in disbursing these funds.

**Authored By:** Rep. Jason Ridley (6th)  
**House Committee:** Banks & Banking

**Committee Action:** 03-04-2019 Do Pass

## Education Committee

### **HB 83 Quality Basic Education Act; recess for students in kindergarten and grades one through five; provide**

Bill Summary: House Bill 83 amends O.C.G.A. 20-2-323 to require local boards of education to provide recess, an average of 30 minutes per day, for kindergarten and grades one through five beginning in the 2019-2020 school year. Recess is not required on any school day a student has physical education, structured activity time, or any day when reasonable circumstances may impede recess. Local boards of education will establish policies to ensure recess is safe, scheduled in a manner that allows a break from academic learning, and prohibits recess from being withheld from students as a form of punishment.

**Authored By:** Rep. Demetrius Douglas (78th)  
**House Committee:** Education

**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

### **HB 86 Education; complaints policy for teachers and other school personnel; provisions**

Bill Summary: House Bill 86 amends O.C.G.A. 20-2-989.7 to allow teachers who have accepted a contract for the fourth or subsequent consecutive school year to appeal a personnel evaluation of 'Unsatisfactory,' 'Ineffective,' or 'Needs Development'. Local school systems must develop an appeals policy for teachers.

**Authored By:** Rep. Tommy Benton (31st)

**HB 444 Dual Enrollment Act; enact**

Bill Summary: House Bill 444 renames the 'Move on When Ready Act' the 'Dual Enrollment Act'. House Bill 444 limits the number of credit hours the dual enrollment program will fund to 30 hours taken during fall and spring semesters, after which additional hours will be lottery-funded and count towards the students' HOPE/Zell Miller scholarship and HOPE grant maximum hours. The bill also limits grade-level participation to 11th and 12th graders; however, to continue producing a skilled workforce, 10th grade students may participate in dual enrollment courses provided by the Technical College System of Georgia.

House Bill 444 requires academic advising prior to entering into the dual enrollment program, after taking 15 credit hours, and when the student reaches 30 credit hours. Students may take a maximum of 16 credit hours per semester or quarter equivalent. Dual enrollment courses may be delivered at an eligible postsecondary institution, online, or on a high school campus; provided, however, the instructor must be an employee of the postsecondary institution or a high school teacher contracted as an adjunct faculty of the postsecondary institution.

For students currently enrolled in the dual enrollment program, courses taken during the 2019 summer semester will count toward their 30-hour credit hour cap in the dual enrollment program. For all other students, the 30 hours will begin during the fall term of the 2019-2020 academic school year.

The Georgia Student Finance Commission will administer the dual enrollment program and collect data to measure the success of the program. The commission, in consultation with the Office of Planning and Budget, will set the annual rate paid to eligible postsecondary institutions for dual enrollment courses and ensure private postsecondary institutions rate shall not be less than the current per credit hour rate as of February 1, 2019.

**Authored By:** Rep. Albert Reeves (34th)  
**House** Education  
**Committee:**

**Committee** 03-04-2019 Do Pass by Committee  
**Action:** Substitute

**HB 464 Education; local boards of education to have a public comment period at every meeting; require**

Bill Summary: House Bill 464 amends O.C.G.A. 20-2-58 by requiring local boards of education to hold a public comment period during every meeting. Prior notice shall not be required to participate in the public comment period.

**Authored By:** Rep. Martin Momtahan (17th)  
**House** Education  
**Committee:**

**Committee** 03-04-2019 Do Pass by Committee  
**Action:** Substitute

**HB 527 Quality Basic Education Formula; change program weights for funding purposes**

Bill Summary: House Bill 527 amends O.C.G.A. 20-2-161 relating to the Quality Basic Education Formula by updating the weights of instructional programs.

**Authored By:** Rep. Robert Dickey (140th)  
**House** Education  
**Committee:**

**Committee** 03-04-2019 Do Pass  
**Action:**

**Energy, Utilities & Telecommunications Committee****HB 541 Public utilities and public transportation; wireless service provider shall make call location information of its subscribers available to law enforcement agencies upon request; provide**

Bill Summary: House Bill 541 requires a wireless provider to provide location information to a law enforcement agency or public safety answering point on behalf of a law enforcement agency upon

request of one of those groups. The request shall not be made unless such information is for an emergency situation that involves the risk of death or serious physical harm.

**Authored By:** Rep. Ricky Williams (145th)  
**House Committee:** Energy, Utilities & Telecommunications

**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

## Human Relations & Aging Committee

### **HR 403 Owners and operators of convenience stores; easy access to disabled customers desiring to refuel their vehicles; urge**

Bill Summary: HR 403 urges owners and operators of convenience stores to provide easy access to disabled customers who are refueling their vehicles. The resolution recognizes that the 'Americans with Disabilities Act' (ADA) states that self-service gas stations or convenience stores provide refueling services free of charge when able and necessary and that these facilities are to post appropriate signs to let customers know this service is available. The resolution urges gas stations and convenience stores to affix a decal to each pump displaying the universal symbol of accessibility, the telephone number of the establishment, and indicate the ability to call the store for assistance in refueling.

**Authored By:** Rep. Henry "Wayne" Howard (124th)  
**House Committee:** Human Relations & Aging

**Committee Action:** 03-04-2019 Do Pass

## Insurance Committee

### **HB 353 Insurance; create the crime of staging a motor vehicle collision**

Bill Summary: House Bill 353 creates the crime of staging a motor vehicle collision when the intent is to commit insurance fraud or file a lawsuit. The felony offense shall be punishable by one to 20 years of imprisonment, depending on the nature of the collision.

**Authored By:** Rep. Kasey Carpenter (4th)  
**House Committee:** Insurance

**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

## Intragovernmental Coordination - Local Committee

### **HB 120 Bell-Forsyth Judicial Circuit; Superior Court judges; increase salary supplement**

Bill Summary: This bill states each superior court judge of the Bell-Forsyth Judicial Circuit shall receive an annual salary supplement of \$49,500 a year.

**Authored By:** Rep. Marc Morris (26th)  
**House Committee:** Intragovernmental Coordination - Local

**Committee Action:** 03-04-2019 Do Pass

### **HB 329 South Fulton, City of; Redevelopment Powers Law; provide for a referendum**

Bill Summary: This bill authorizes the city of South Fulton to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and O.C.G.A. 36-44.

**Authored By:** Rep. Marie Metze (55th)  
**House Committee:** Intragovernmental Coordination - Local

**Committee Action:** 03-04-2019 Do Pass

**HB 460 Roswell, City of; levy an excise tax**

Bill Summary: This bill authorizes the governing authority of the city of Roswell to levy an excise tax.

<b>Authored By:</b>	Rep. Mary Robichaux (48th)		
<b>House Committee:</b>	Intragovernmental Coordination - Local	<b>Committee Action:</b>	03-04-2019 Do Pass

**HB 500 Sumter County Livestock Authority; repeal Act**

Bill Summary: This bill repeals the Sumter County Livestock Authority and provides for the assets and liabilities thereof.

<b>Authored By:</b>	Rep. Mike Cheokas (138th)		
<b>House Committee:</b>	Intragovernmental Coordination - Local	<b>Committee Action:</b>	03-04-2019 Do Pass

**HB 510 Douglas, City of; Redevelopment Powers Law; provide for a referendum**

Bill Summary: This bill authorizes the city of Douglas to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and O.C.G.A. 36-44.

<b>Authored By:</b>	Rep. Dominic LaRicca (169th)		
<b>House Committee:</b>	Intragovernmental Coordination - Local	<b>Committee Action:</b>	03-04-2019 Do Pass

**HB 529 Norcross, City of; change terms of mayor and city councilmembers**

Bill Summary: This bill changes the terms of the mayor and city councilmembers of the city of Norcross.

<b>Authored By:</b>	Rep. Beth Moore (95th)		
<b>House Committee:</b>	Intragovernmental Coordination - Local	<b>Committee Action:</b>	03-04-2019 Do Pass

**HB 531 Lee County; tax commissioner shall retain a percentage of educational funds and reimburse the county for the cost of collecting school taxes; repeal Act**

Bill Summary: This bill repeals an act providing that the Lee County tax commissioner shall retain a percentage of educational funds collected by the commissioner and then remit the funds to the governing authority of Lee County to reimburse the county for the cost of collecting school taxes.

<b>Authored By:</b>	Rep. Ed Rynders (152nd)		
<b>House Committee:</b>	Intragovernmental Coordination - Local	<b>Committee Action:</b>	03-04-2019 Do Pass

**SB 53 County Board of Education of DeKalb County; boundaries of an independent school system are not extended by annexation; provide**

Bill Summary: This bill states that the boundaries of an independent school system in DeKalb County are not extended by annexation unless expressly approved in a separate referendum.

<b>Authored By:</b>	Sen. Emanuel Jones (10th)		
<b>House Committee:</b>	Intragovernmental Coordination - Local	<b>Committee Action:</b>	03-04-2019 Do Pass

**SB 93 Superior Court of the Cherokee Judicial Circuit; supplement to be paid to each judge of such circuit; change**

**Bill Summary:** This bill changes the supplement to be paid to each judge of the Cherokee Judicial Circuit so they receive \$45,000 per year. The district attorney shall receive \$18,000 a year, which is in addition to the compensation paid to the district attorney by the state. These funds shall be paid out of the funds of Gordon and Bartow counties and apportioned among those two counties on a per capita basis.

<b>Authored By:</b>	Sen. Bruce Thompson (14th)	<b>Committee</b>	03-04-2019 Do Pass
<b>House</b>	Intragovernmental Coordination -	<b>Action:</b>	
<b>Committee:</b>	Local		

## Judiciary Committee

**HB 296 Bill Summary:** House Bill 296 revises the terms of Hall County Superior Court in the Northeastern Circuit to be the second Monday in January, April, July, and first Monday in October, rather than the first Monday in May and November and the second Monday in January and July.

<b>Authored By:</b>	Rep. Lee Hawkins (27th)	<b>Committee</b>	03-04-2019 Do Pass by Committee
<b>House Committee:</b>	Judiciary	<b>Action:</b>	Substitute

**HB 311 State government; waiver of sovereign immunity as to actions ex contractu and state tort claims; provisions**

**Bill Summary:** House Bill 311 provides a limited waiver of sovereign immunity for declaratory (a judicial determination without an award of damages) and injunctive relief (an order to prevent an act from occurring or from continuing to occur) against the state in Part 1 and against all other political subdivisions thereof, including counties and municipalities, in Part 2. Part 3 addresses the limited waiver for quiet title claims, which is the process used to clear any 'cloud' on the plaintiff's title to property and confirm the status of who owns the property brought in a court having jurisdiction over that property, against the state or its political subdivisions thereof. Part 4 addresses judgments and rulings deemed directly appealable with regard to sovereign immunity.

The waiver in Part 1 is limited to claims against the state, a state governmental entity, officer, or employee in his or her official capacity to remedy, through declaratory or injunctive relief, injuries caused or that may imminently be caused either in violation of state law, the Constitution of Georgia, or the Constitution of the United States or by enforcement of a state statute on the basis that the statute violates the Constitution of Georgia or the Constitution of the United States. The waiver applies only if the aggrieved person provides 30 days written notice to the attorney general of the aggrieved person's intent to file such a suit, the court is provided proof of service upon the attorney general or his or her designee and the state governmental entity that is charged with enforcing the state statute being challenged, and the suit for which notice has been provided is filed no later than 90 days after such notice has been provided. The bill neither alters nor amends any other waiver or prohibited waiver of sovereign immunity provided by state law nor applies to any claim for violations of federal law or brought in federal court; for monetary relief, attorney's fees, or expenses of litigation except as provided for abuses of litigation; contract claims; or brought by, or on behalf of, an individual in a penal institution or a state mental health facility.

Moreover, Part 1 clarifies official immunity for state officers and employees. State officers and employees shall not be subject to a suit in his or her individual capacity for performance or nonperformance of his or her official duties. Where a suit names a state officer or employee in his or her individual capacity, under proper motion the court shall substitute as the party defendant such officer or employee in his or her official capacity, unless the suit is expressly authorized by state statute or federal law or the suit alleges the officer's or employee's conduct was outside his or her scope of authority, unconstitutional, or illegal then official immunity is waived.

The waiver of sovereign immunity in Part 2 is limited to claims against a county, municipal corporation, consolidated government, or school district of this state to remedy, through declaratory of injunctive relief, injuries caused to an aggrieved person or that may imminently be caused either by such political subdivisions acting without lawful authority, beyond the scope of its official power, or in violation of the Constitution of Georgia, the Constitution of the United States, a state statute, a rule or regulation, or a local ordinance, or by the award of a proposed agreement with a political subdivision or an officer or employee in his or her official capacity so long as the suit is filed no later than 10 days from the date that the award is made public.

Similar to Part 1, the bill neither alters nor amends any other waiver or prohibited waiver of sovereign immunity provided by state law nor applies to any claim for violations of federal law or brought in federal court; for monetary relief, attorney's fees, or expenses of litigation except as provided for abuses of litigation; or contract claims. Also exempt from any waiver of sovereign immunity are claims brought by, or on behalf of, an individual in a penal institution or a state mental health facility. Official immunity of political subdivision officers is not addressed. Additionally, the bill clarifies that sovereign immunity is waived for claims against political subdivisions for breach of contract. Likewise, Part 2 creates a 30-day written notice requirement.

Additionally, the state and its political subdivision's defense of sovereign immunity, including municipal corporations, is waived in quiet title proceedings within Part 3. Where title to property or an instrument is held by the state or any state entity then in in such proceedings to clear title, notwithstanding any law to the contrary, the pleadings shall be served on the attorney general and the state or any department, agency, commission, board, authority, or entity thereof allegedly holding such title. If the attorney general does not file a responsive pleading in such actions then the court shall accept the state's acquiescence to the petitioner's filed claim for relief. Lastly, all judgments, orders, or rulings denying or refusing to grant immunity to one or more parties based upon sovereign, official, or qualified immunity are directly appealable to the Supreme Court of Georgia and the Court of Appeals, provided that the right to direct appeal shall not be exercised by any one party more than once in a case.

**Authored By:** Rep. Andrew Welch (110th)  
**House** Judiciary  
**Committee:**

**Committee** 03-04-2019 Do Pass by Committee  
**Action:** Substitute

## Judiciary Non-Civil Committee

### **HB 470 Law enforcement officers and agencies; analysis and collection of DNA for individuals charged with a felony offense but sentenced as a first offender or under conditional discharge; provide**

Bill Summary: HB 470 updates and refines the Code regarding DNA sampling of felons and the purging of such records. The bill adds DNA collection to those who have been charged with a felony and the sentence has been imposed under first offender status. Moreover, DNA profiles of individuals must be destroyed within 30 days of the receipt of a certified copy of a: court order reversing the conviction together with a court order from the prosecuting attorney stating that the charges were dismissed; judgement of acquittal; sentencing order showing that all of the felony charges were reduced to misdemeanors; or court order showing successful completion of a sentence imposed under first offender status.

**Authored By:** Rep. Steven Sainz (180th)  
**House** Judiciary Non-Civil  
**Committee:**

**Committee** 03-04-2019 Do Pass by Committee  
**Action:** Substitute

## Public Safety & Homeland Security Committee

### **HB 118 Crimes and offenses; transmitting a false alarm; revise offense**

Bill Summary: House Bill 118 establishes the offense of making an unlawful request for emergency services assistance. A request for emergency services assistance is defined as a report; transmission; or request for assistance to a public safety agency; or to another person, knowing at the time of the report that the request is likely to result in the other person making a request to a public safety agency through a public safety answering point.



The bill also includes additional circumstances to what actions constitute making an unlawful request for emergency services. The new actions include requests that relate to an individual who allegedly has committed a criminal act involving the use or threat of physical force or violence or an act constituting an immediate threat to any person's life or safety, and the use of any electronic device or software to alter, conceal, or disguise, or attempt to alter, conceal or disguise the location or identity of the person making the request. Under the amended Code section, if bodily harm or death results from the response of a public safety agency, the offender is guilty of a felony. Once convicted, the sentence is imprisonment of at least one year but not more than 10, a fine of at least \$5,000, or both.

**Authored By:** Rep. Marc Morris (26th)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 325 Law enforcement officers and agencies; records of investigation of an officer by the Georgia Peace Officer Standards and Training Council shall be retained for 30 years; provide**

Bill Summary: House Bill 325 requires that the records of an investigation of an officer by the Peace Officer Standards and Training Council be retained for 30 years following the date that the investigation was deemed concluded. After 30 years, the records may be destroyed.

**Authored By:** Rep. Heath Clark (147th)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 338 Georgia State Firefighter Association and the Georgia Association of Fire Chiefs; establish appointment procedures**

Bill Summary: House Bill 338 adds two members to the Georgia Firefighter Standards and Training Council, bringing the total to 13 members. The additional members are the president of the Georgia State Firefighters Association and the president of the Georgia Association of Fire Chiefs.

**Authored By:** Rep. Micah Gravley (67th)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 394 Uniform rules of the road; certain personnel employed by or volunteering for law enforcement agencies or fire departments to assist in directing and regulating the flow of traffic; authorize**

Bill Summary: House Bill 394 allows for the authorization of certain personnel employed by or volunteering for law enforcement agencies or fire departments to assist in directing and regulating the flow of traffic. With the approval of the local governing authority, a police chief or fire chief of a local department is authorized to designate and train nonsworn employees and volunteers to assist. These designated persons must have completed at least one hour of a traffic control training program approved by the Georgia Public Safety Training Center.

**Authored By:** Rep. Ginny Ehrhart (36th)  
**House Committee:** Public Safety & Homeland Security  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 417 Law enforcement officers and agencies; comprehensive regulation of trauma scene cleanup services; provide**

Bill Summary: House Bill 417 provides for the regulation of trauma scene cleanup services. The Georgia Bureau of Investigation is responsible for registering trauma scene waste management practitioners. The registration is valid for three years and may be renewed for additional three-year periods. The initial registration fee is \$100 and \$100 upon renewal. The bureau will maintain a current list of all registered trauma scene waste management practitioners on their website. Each practitioner must submit to a fingerprint-based background check prior to being registered and every three years following the initial background check. No person convicted of a felony is eligible for registration. Each practitioner must be bonded in the amount of \$25,000 and must have liability insurance for at least \$100,000. The director of the bureau is authorized to issue temporary

registrations in the event of a declared public emergency or a state of emergency; however, these registrations terminate no later than 90 days from issuance.

This legislation does not prevent a private property owner from cleaning up a scene on their property themselves, or the gratuitous cleanup performed for the owner of a property by individuals who are not doing so as part of a commercial enterprise for the cleanup or removal of trauma scene waste.

<b>Authored By:</b>	Rep. Alan Powell (32nd)	<b>Committee</b>	03-04-2019 Do Pass by Committee
<b>House</b>	Public Safety & Homeland Security	<b>Action:</b>	Substitute
<b>Committee:</b>			

**HB 459 Education; driver's license verification system for school bus drivers; provide**

Bill Summary: House Bill 459 requires each local school board to submit to the Department of Public Safety the full name and driver's license number of every person who is to be employed or used as a school bus driver prior to authorizing that person to operate a school bus. This list of authorized drivers is to be updated twice within a calendar year.

The Department of Public Safety is required to maintain a database of the names and license information of the authorized operators in coordination with the Georgia Technology Authority and the Department of Driver Services for the immediate electronic furnishing of information. The Department of Public Safety is also to confirm or verify the status of each person's driver's license and provide notification to the local board of education if an operator's license or driving privileges have expired, been cancelled, suspended, or revoked. Should a license or privilege be expired, cancelled, suspended or revoked, the school board is required to suspend the authorization to operate a school bus as well as provide the reason for the suspension. The driver is also required to notify the school board if the license or driving privilege is expired, cancelled, suspended, or revoked. Upon reinstatement of the license or driving privileges, the driver may request a new authorization to drive a school bus.

<b>Authored By:</b>	Rep. Ginny Ehrhart (36th)	<b>Committee</b>	03-04-2019 Do Pass
<b>House</b>	Public Safety & Homeland Security	<b>Action:</b>	
<b>Committee:</b>			

**HB 469 Property; vehicle immobilization devices or boots to be applied to motor vehicles on private property under certain circumstances; allow**

Bill Summary: House Bill 469 adds a new chapter to the Code allowing for vehicle immobilization devices or boots to be applied to vehicles trespassing on certain property only when such practice is authorized by a governing authority of a county or city and when it has been determined that the vehicle cannot be towed after a site evaluation by a towing firm. The operators are required to be permitted by the local government within the jurisdiction in which the operator is domiciled. Permits are prohibited for persons convicted of a felony within the last seven years. The firm applying for a permit must submit a fee of \$250 to the governing authority of the county or of the city, relative to the domicile of the operator. The bill further establishes best practices and requirements for operation within this state for the operators of vehicle immobilization services including, but not limited to, circumstances where operation is unlawful, fees to be charged to vehicle owners to remove the devices, required insurance, signage requirements for operation in chosen locations, and procedures for how to handle damaged property or injuries.

<b>Authored By:</b>	Rep. Matt Dollar (45th)	<b>Committee</b>	03-04-2019 Do Pass
<b>House</b>	Public Safety & Homeland Security	<b>Action:</b>	
<b>Committee:</b>			

**HB 487 Disaster Volunteer Relief Act; certain employees of state agencies to be granted leave from work with pay in order to participate in specialized disaster relief services; authorize**

Bill Summary: House Bill 487 allows state employees, under the Disaster Relief Volunteer Act, who are certified volunteers of the Civil Air Patrol United States Air Force Auxiliary to be granted paid leave for no more than 15 work days in a 12-month period. This leave would be specifically used for participation in specialized emergency services operations for the Civil Air Patrol upon the request of the patrol after activation by a county emergency management agency, the Georgia

Emergency Management and Homeland Security Agency, or a comparable federal agency for that employee's services and upon the employees' agency approval.

<b>Authored By:</b>	Rep. Josh Bonner (72nd)	<b>Committee Action:</b>	03-04-2019 Do Pass by Committee Substitute
<b>House Committee:</b>	Public Safety & Homeland Security		

## Regulated Industries Committee

### HB 337 Georgia Peer-to-Peer Car-Sharing Program Act; enact

**Bill Summary:** HB 337 is known as the 'Georgia Peer-to-Peer Car-Sharing Program Act'. A peer-to-peer car-sharing program must assume liability of a shared vehicle owner for any bodily injury or property damage to third parties in the amount set forth in the car-sharing program agreement not less than \$25,000 for one person in one accident and not less than \$50,000 for two or more people in one accident, unless the shared vehicle owner made an intentional or fraudulent material misrepresentation to the car-sharing program before the loss occurred. The car-sharing program must ensure that the shared vehicle owner and the shared vehicle driver are insured under an insurance policy that recognizes the vehicle used is made available through a car-sharing program and provides insurance coverage no less than the policy stated above. The car-sharing program will assume primary liability for a claim when the program is in whole or in part providing the insurance or if a dispute exists as to who was in control of the vehicle at the time of the loss. The car sharing program will collect and verify records pertaining to the use of a vehicle and must provide that information upon the request to the shared vehicle owner, insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation. The program must retain records for a time period not less than the applicable personal injury statute of limitations. The car-sharing program has the sole responsibility for any equipment that is put in or on the vehicle to monitor or facilitate the car-sharing transaction. Moreover, the program must agree to indemnify a shared vehicle owner for any damage or theft of said equipment during the shared period not caused by the vehicle's owner. At the time when a vehicle owner registers as a shared vehicle, the car sharing program must verify that the vehicle does not have any safety recalls on the vehicle that have not been repaired and notify the owner that the vehicle is not available unless a safety repair has been made for any outstanding safety recalls.

<b>Authored By:</b>	Rep. Shaw Blackmon (146th)	<b>Committee Action:</b>	03-04-2019 Do Pass by Committee Substitute
<b>House Committee:</b>	Regulated Industries		

### HB 486 Professions and businesses; power and duties of the Division of Electrical Contractors as to the approval of continuing education courses; change

**Bill Summary:** HB 486 refines and updates the Code regarding electrical contractors to allow for continuing education classes, both within and outside the state, that meet requirements of the Division of Electrical Contractors. Moreover, the programs must self-sustaining by individual fees set and collected by the provider of the program. In addition, persons not licensed or who do not have a certificate of competency issued by the division are prohibited from advertising in any manner that such person is in the business or profession of electrical contracting or plumbing unless the work is performed by a licensed electrical contractor or plumber.

<b>Authored By:</b>	Rep. Dale Washburn (141st)	<b>Committee Action:</b>	03-04-2019 Do Pass by Committee Substitute
<b>House Committee:</b>	Regulated Industries		

### HB 493 Private Permitting Review and Inspection Act; enact

**Bill Summary:** HB 493 is the 'Private Permitting Review and Inspection Act' and relates to standards and requirements for construction, alteration, restoration, and etc. of buildings and other structures in counties or municipalities. A private professional provider must be a properly certified professional engineer or a professional architect who is not an employee of or otherwise affiliated with, or financially interested in, the person, firm, or corporation engaged in the construction project to be reviewed or inspected. HB 493 requires counties or municipalities which impose regulatory fees or regulatory requirements within its jurisdiction to make available all documentation related to

compliance with said requirements. Upon the receipt and acceptance of any application related to regulatory requirements, the governing authority must notify the applicant whether the governing authority will be able to provide regulatory action within 30 days for plan review or provide inspection services within two business days of receiving a valid written request. If the governing authority cannot provide services within the above time frames, the applicant has the option of retaining, at its own expense, a private professional provider to provide said services. If the applicant elects to utilize the services of a private professional provider, the regulatory fees are reduced by 50% with the amount paid to the governing authority upon the completion of the application. If the governing authority determines that regulatory action or inspection services can be provided in the above timeframes, and the applicant chooses to use a private professional provider, the applicant must pay the full amount of the regulatory fees. Any delay in the processing of an application due to causes outside the control of the governing authority, or through fault of the applicant, do not count toward the above time frames.

**Authored By:** Rep. Kevin Tanner (9th)  
**House Committee:** Regulated Industries

**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

#### **HB 516 Professions and businesses; profession of professional structural engineer; provide**

Bill Summary: HB 516 provides for the profession and licensure of professional structural engineers governed by the Board of Professional Engineers and Land Surveyors. The bill outlaws any persons other than professional structural engineers to practice or offer structural engineering in the state. To be eligible for a certificate of registration as a professional structural engineer, an applicant must meet the following requirements: obtain a certification by the board as an engineer-in-training; not less than four years' experience in structural engineering that is satisfactory by the board; and subsequently pass a board approved written exam. Any applicant seeking a certificate of registration as a professional structural engineer prior to January 1, 2021, who already holds a valid certificate of a professional engineer from the board, has a record of primary practice of structural engineering, and is currently engaged in the practice of structural engineering may submit a signed affidavit to the board for the purpose of determining if the qualifications have been met for a certificate of registration as a professional structural engineer.

**Authored By:** Rep. Vance Smith (133rd)  
**House Committee:** Regulated Industries

**Committee Action:** 03-04-2019 Do Pass

#### **HB 535 Health; regulation and permittance of body artists and body art studios; provide**

Bill Summary: HB 328 redefines tattoo artists and tattoo studios as "body artists" and "body art studios." Body artist permits are issued by the Department of Public Health, which is authorized to establish permit fees. Further, the department may deny, suspend, or revoke a body artist permit with appeals conducted in accordance with the 'Administrative Procedure Act.' It requires body art studios to conspicuously display a warning that body art can disqualify one from military service.

**Authored By:** Rep. Lee Hawkins (27th)  
**House Committee:** Regulated Industries

**Committee Action:** 03-04-2019 Do Pass

## **Transportation Committee**

#### **HB 454 Motor vehicles; operation of motorized mobility devices; provide**

Bill Summary: House Bill 454 provides for the operation of "motorized mobility devices". These devices are defined as two types. One has a total weight less than 75 pounds, is equipped with handlebars, a floorboard for standing upon while riding, and two or three wheels. The other has a total weight of no more than 100 pounds, is equipped with handlebars, a seat, two or three wheels, and rotary pedals. Both types are designed to transport only one individual and are capable of traveling without human propulsion on a paved level surface at a speed not to exceed 20 miles per hour.

The legislation adds these devices to the Code sections dealing with bicycles and rules of the road, establishing responsibility of motor vehicle drivers as well as cyclists and those operating motorized mobility devices. The motorized mobility devices are also added to sections relating to safe passing, collisions, duties of drivers striking an unattended vehicle and penalties, reporting of accidents, and uniform accident reports. Local governments are authorized to regulate and require registration of motorized mobility devices; enforce state and local parking laws, rules, and regulations; and are relieved of any and all liability for injuries or property damage resulting from the operation or placement of motorized mobility devices by others.

**Authored By:** Rep. Kevin Tanner (9th)  
**House** Transportation  
**Committee:**

**Committee** 03-04-2019 Do Pass by Committee  
**Action:** Substitute

## **HR 346 Georgia Southern Nursing Angels Memorial Bridge; Bryan County; dedicate**

**Bill Summary:** House Resolution 346 is the annual House version of road dedications. The substitute includes the following dedications:

House Resolution 346, Rep. Tankersley

House Resolution 346 dedicates the northern bridge on U.S. 280 over Interstate 16 at exit 143 in Bryan County as the Georgia Southern Nursing Angels Memorial Bridge;

House Resolution 39, Rep. Caldwell

House Resolution 39 dedicates the bridge on Highway 92 east of I-575 that spans Noonday Creek in Cherokee County as the Patrick Price Memorial Bridge;

House Resolution 49, Rep. Greene

House Resolution 49 dedicates the bridge on State Route 39 over Drag Nasty Creek in Clay County as the James Bland, Sr., Memorial Bridge;

House Resolution 73, Speaker Ralston

House Resolution 73 dedicates the portion of Georgia Highway 52 East from First Avenue to Greenfield Road in Gilmer County as the G.L. Huff Family Memorial Highway;

House Resolution 74, Speaker Ralston

House Resolution 74 dedicates the bridge on Highway 515 over Ada Street in Blue Ridge, Georgia, as the John D. McDaniel Bridge;

House Resolution 75, Speaker Ralston

House Resolution 75 dedicates the intersection of State Route 515 and First Avenue in Gilmer County as the Ben Whitaker Intersection;

House Resolution 76, Rep. Jeff Jones,

House Resolution 76 dedicates the portion of U.S. Highway 84 from the eastern corporate limits of the City of Ludowici to the Long County/Liberty County line as the Chief Frank McClelland, Jr., Memorial Highway;

House Resolution 96, Rep. Greene

House Resolution 96 re-dedicates the bridge on State Route 45 over Bear Creek in Terrell County as the Kennedy and Hanner Bridge;

House Resolution 136, Rep. Greene

House Resolution 136 dedicates the bridge on State Route 1 southbound over Hod Chod-Kee Creek in Stewart County as the Thomas Morton Fort, Jr., Memorial Bridge;

House Resolution 30, Rep. Burnough

House Resolution 30 dedicates the portion of State Route 138 from State Route 85 to US 19/US 41 as the Charles Ware, Sr., Memorial Highway;

House Resolution 229, Rep. Schofield

House Resolution 229 dedicates the bridge on Interstate 85 over Metropolitan Parkway in Fulton County as the Grace W. Davis Memorial Bridge.

**Authored By:** Rep. Jan Tankersley (160th)

**House  
Committee:** Transportation

**Committee  
Action:**

03-04-2019 Do Pass by Committee  
Substitute

## Committee Meeting Schedule

*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.*

*To keep up with the latest schedule, please visit [www.house.ga.gov](http://www.house.ga.gov) and click on [Meetings Calendar](#).*

### Tuesday, March 05, 2019

7:30 AM	<a href="#">AGRICULTURE &amp; CONSUMER AFFAIRS</a>	415 CLOB
8:00 AM	<a href="#">TRANSPORTATION</a>	506 CLOB
8:00 AM	<a href="#">JUDICIARY (NON-CIVIL)</a>	132 CAP
8:00 AM	<a href="#">GOVERNMENTAL AFFAIRS</a>	406 CLOB
8:00 AM	<a href="#">APPROPRIATIONS EDUCATION</a>	341 CAP
8:00 AM	<a href="#">NATURAL RESOURCES AND ENVIRONMENT</a>	606 CLOB
8:00 AM	<a href="#">MOTOR VEHICLES</a>	515 CLOB
8:30 AM	<a href="#">ECONOMIC DEVELOPMENT</a>	415 CLOB
9:00 AM	<a href="#">RULES</a>	341 CAP
10:00 AM	<a href="#">FLOOR SESSION(LD 27)</a>	House Chamber
1:00 PM	<a href="#">Judiciary Non - Civil Subcommittee</a>	415 CLOB
1:00 PM	<a href="#">JUVENILE JUSTICE</a>	515 CLOB
2:00 PM	<a href="#">HEALTH &amp; HUMAN SERVICES</a>	606 CLOB
2:00 PM	<a href="#">RETIREMENT</a>	515 CLOB
2:00 PM	<a href="#">JUDICIARY (CIVIL)</a>	132 CAP
3:00 PM	<a href="#">CODE REVISION</a>	341 CAP